

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

OLIVER LYONS

v.

C.A. No. 07-409 ML

A.T. WALL, et al.

REPORT AND RECOMMENDATION

Jacob Hagopian, Senior United States Magistrate Judge

This matter is before the Court on the motion of the plaintiff to dismiss this action, allegedly pursuant to Fed. R. Civ. P. 41(a). See Dkt # 26. No objection has been timely filed. This matter has been referred to me for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). For the reasons that follow, I recommend that plaintiff's motion to dismiss be **GRANTED**.

Plaintiff filed this action December 11, 2007, pursuant to 42 U.S.C. §1983, complaining about the conditions of his confinement. During the course of this litigation, plaintiff has filed no fewer than four motions to appoint counsel in this civil action. All of plaintiff's motions were denied, since counsel is required to be appointed, either under a federal statute or under the constitution, in civil cases. Plaintiff thereafter filed the instant motion seeking dismissal of this action, complaining that he cannot adequately prosecute this case and about the condition he faces as an incarcerated litigant. Accordingly, I recommend that, pursuant to the plaintiff's request, that this matter be dismissed.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. United States v. Valencia-Copete, 792 F.2d 4 (1st Cir. 1986) (per curiam); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
March 18, 2008